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Letter dated 7 April 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a memorandum released by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea (DPRK) on 6 April 2017 with regard to the fact that the level of political, military and economic pressure and aggressive schemes of the US against the DPRK is now beyond the danger limit (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda item 61, and of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative

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Annex to the letter dated 7 April 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

Memorandum released by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea on 6 April 2017 with regard to the level of political, military and economic pressure and aggressive schemes of the United States against the Democratic People's Republic of Korea now being beyond the danger limit

The level of political, military and economic pressure and aggressive schemes of the US against the Democratic People's Republic of Korea (DPRK) is now beyond the danger limit.

It is without any hesitancy that heinous acts are committed to insult our supreme dignity. "Special operations" aimed at "getting rid of the headquarters of the north" are in an open preparation in the real stage.

The US is now staging military exercises against the DPRK at our doorstep, mobilizing the largest-ever aggression forces and state-of-the art nuclear striking means. They even threw off the deceptive veil, as they said the military exercises were of a "defensive nature".

Not content with this, the US is trying to disturb our socialist construction by imposing the toughest economic sanctions and blockades. Furthermore, it has revealed its open bid to cause economic suffocation against the DPRK.

The situation on the Korean peninsula has come to the pass where it is no longer in control due to extreme provocative and aggressive war moves conducted by the US, which have followed the path of getting worse.

If war sparks off on the Korean peninsula, there will come up the issue of accounting for war provocation and post-war follow-up.

It is against this background that the Ministry of Foreign Affairs (MFA) of the DPRK releases this memorandum in order to lay open the gravity and illegality of the aggressive schemes of the US, which is now driving the Korean peninsula situation to thermonuclear war, as well as the justness and legality of the inevitable defensive choice of the DPRK to cope with the US schemes.

It is more often than not that the DPRK has already warned that the grave aggressive acts would be considered as a declaration of war whenever the US and its vassal forces committed grave provocations. It has also made it clear that the provokers should be held accountable for all the grave consequences arising from them.

The following examples are telltale evidence of all of them:

- The Bush administration, after taking office, declared as its State policy to negate our system by designating the DPRK as an "axis of evil". It even openly declared nuclear war against the DPRK by putting it as a target of pre-emptive nuclear strike (see 10 January 2003 statement of DPRK government)

- The US is engrossed in the mean tricks of a smear campaign to tarnish the image of the DPRK system, groundlessly charging it with drug smuggling, counterfeiting of money, suppression of religious freedom, exodus of refugees, human trafficking, training of computer hackers and arms sale, etc.

At the same time, it is hampering the routine service of DPRK-flagged trading vessels under various pretexts. This hostile act is, in fact, little short of a sea blockade against the DPRK.

No matter how desperately the US may try to cover up these moves, they are, in the final analysis, acts of scrapping the Armistice Agreement and a declaration of war. In the long run, it is an act of war (18 June 2003 statement of the MFA spokesman).

- The Bush administration was undisguised in its attempt to seek a "regime change" in those countries, including the DPRK, which stood independent and are not obedient to what it had dictated upon them by means of pre-emptive strike while labelling them "outposts of tyranny".

The "National Security Strategy Report" announced this time reveals, in a nutshell, the US intention to start a war to prevent nuclear proliferation, "combat terrorism" and "spread democracy". It is, therefore, nothing but a brigandish document declaring a war, as it is an indication that the Bush regime will not rule out even a war to bring down those countries which refuse to follow its ideology and value by branding them as enemies without exception (21 March 2006 statement of the MFA spokesman).

- The US has become more frantic in its military exercises and arms build-up on the peninsula and in its vicinity for the purpose of launching the second Korean War since it made a de facto "declaration of war" against the DPRK through the recent brigandish adoption of a United Nations Security Council resolution

At the same time, it is making desperate efforts to internationalize the sanctions and blockade against the DPRK by leaving no dastardly means and methods untried in a foolish attempt to isolate and stifle it economically and bring down the socialist system chosen by its people themselves.

The Bush administration has gone to the length of making an ultimatum that it would punish the DPRK if it refuses to yield to the US within the timetable set by it (3 October 2006 statement of the MFA).

- The United States instigated the United Nations Security Council to pass another "resolution" calling for harsh international sanctions and a blockade against the DPRK, unreasonably describing its nuclear test for self-defence as a "threat" to international peace and security.

The United Nations Security Council "resolution", needless to say, cannot be construed otherwise than as a declaration of a war against the DPRK (17 October 2006 statement of the MFA spokesman).

- The United Nations Security Council, at the instigation of the US, has finally adopted a "resolution on sanctions" against the DPRK over its second nuclear test.

An attempted blockade of any kind by the US and its followers will be regarded as an act of war and met with a decisive military response (13 June 2009 statement of the MFA).

- Human rights precisely mean the right to independence and the national sovereignty of a relevant country. Therefore, the brigandish "resolution" against the DPRK's genuine human rights means the most undisguised war declaration to infringe upon its sovereignty (23 November 2014 statement of the DPRK National Defence Commission)

- The Obama administration, too, excluded the DPRK from the list of the "nuclear non-use" in April of 2010, fully revealing its scenario for mounting a

pre-emptive attack on the DPRK. Through this, it has revealed its open bid to launch a nuclear pre-emptive strike against the DPRK. It continues even now to profess about it. The US has staged large-scale joint military drills every year and made practical preparations for a nuclear attack on the DPRK by mobilizing various types of nuclear hardware to be used in the war.

The aggressive nature and danger of these exercises lies in the fact that the US threw off the deceptive mask of "annual" and "defensive" it has veiled so far and is examining the "decapitation raid" aiming at our supreme headquarters and the tactics of "high-density strike" at our strategic strike means in practice and openly committing reckless provocations like the "precision strike drill" to destroy the office room of our supreme headquarters; herein lies the aggressive and dangerous character of the co-military exercise.

There is no country or government in the world which will tolerate such a challenge of maniacs running amok to eliminate the headquarters of a sovereign State through special operations (31 March 2016 statement of the MFA spokesman).

• What's more serious is that various types of offensive operations, including the "decapitation raid" aiming at our supreme headquarters, the "operation for advancing into Pyongyang" and the "precision strike drill" aimed at destroying the office of our supreme leadership, have been carried out in actual manoeuvres in accordance with "OPLAN-5015"

The war rehearsals were the largest-ever manoeuvres hostile to the DPRK, as it was manifest in the drills that the US scenario and moves to physically eliminate the DPRK reached an extremely dangerous phase.

It is tantamount to an open declaration of war against the DPRK that the US, kicking off the drills, openly revealed its attempt to mount a pre-emptive attack on the DPRK after discarding even the spurious mask of "defensive" (30 April 2016 statement of the MFA spokesman).

• The supreme leadership of the DPRK, which its servicepersons and civilians have safeguarded at the cost of their lives while following with all sincerity, represents the dignity and sovereignty of the DPRK and the destiny of the Korean army and people

But the US dared to challenge the dignity of the DPRK supreme leadership, an act reminiscent of a newborn puppy knowing no fear of a tiger. This is the worst hostility and an open declaration of war against the DPRK, as it has gone far beyond the confrontation over the "human rights issue".

Now that the US has overstepped the "red line" in the showdown with the DPRK by perpetrating such a thrice-cursed crime, the DPRK came to have the legitimate rights to take all necessary countermeasures (7 July 2016 statement of the MFA).

• The General Staff of the Korean People's Army (KPA) warns the hideous provocateurs as follows with regard to the situation that has reached an extreme phase which should no longer be overlooked:

1. The General Staff declares the KPA's stand to mercilessly smash the enemy's moves with its own style of special operation and pre-emptive attack, now that the sinister aim of the US imperialists and the south Korean war maniacs' "special operation" to hurt the dignity of the DPRK's supreme leadership has become clear and they have disclosed even the dangerous attempt at "pre-emptive attack".

2. They should be mindful that the KPA will deal deadly blows without prior warning at any time as long as the operational means and troops of the US and south Korean puppet forces involved in the "special operation" and "pre-emptive attack" targeting the DPRK remain deployed in and around south Korea.

3. Once the enemy launches the said "operation and strike", they will only bring about a historic event in which the US imperialists will face a miserable doom and the south Korean puppet forces a final ruin (26 March 2017 warning by spokesman for the KPA General Staff).

Our serious warning goes not to each US administration. It rather goes to the US itself. Despite this, the US gets more intensive in its act to run counter to our repeated warning in defiance of them.

Provocative remarks viciously picking on our supreme dignity, which are as grave as a declaration of war, are pouring out from the US without hesitation.

The US threw off its veil of "defensive nature" used at the time of the past joint military exercises and is now mobilizing nuclear strategic assets like striking groups of the nuclear carrier *Carl Vinson* and strategic bomber B-1B thus to cause the worst threat of a nuclear pre-emptive strike against the DPRK.

Worse still, it does not hide the fact that the scenario of "special operation" being staged by the ill-famed special warfare units is mainly aimed at carrying out the "beheading operation" for "removing the headquarters of the north" and the "pre-emptive attack" operation for blowing up nuclear and rocket bases.

While cooking up the illegal "sanctions resolutions" and forcing other countries to carry them out, the US is now enforcing separate sanctions to stamp out the DPRK's right to existence and development by all possible means.

They are making frantic efforts to isolate and stifle the DPRK as evidenced by the adoption of three "sanctions resolutions" against the DPRK on 29 March alone.

Nuclear threat and blackmail, sanctions and blockade by the US have never stopped, even for a day. But it was never waged as it is now in its frantic nature. All this means that its moves have gone over the hostile acts into full-scale war.

The present US administration is committing itself to its anti-DPRK campaign in an unprecedented way. Because of this, the Korean peninsula is now in a war situation. It is from this that the DPRK was compelled to put into practice the repeated warning it had so far sent to the US while displaying its maximum restraint.

According to universally accepted international laws, the heinous acts of the US and its vassal forces to stifle the DPRK are an apparent act and crime of war.

The code of offences against the peace and security of mankind, adopted at the sixth session of the International Law Commission (3 June to 28 July 1954), defined the preparation for use of arms by one State against another State as a crime against the peace and security of mankind.

Paragraph 4 of Article 2 of the Charter of the United Nations stated that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations". The Draft Declaration on Rights and Duties of States, in its article 9, stated that "Every State has an obligation of refraining itself from the use of war as a means of State policy, stand against territorial integrity and political independence of another State or threat or use of arms through other means inconsistent with international law and order".

The Convention for the Definition of Aggression, as well as the resolution entitled "Definition of aggression", adopted at the twenty-ninth session of the United Nations General Assembly, defined the sanctions entailing the blockade of a sovereign State in a time of peace as an act of aggression and illegal.

Article 2 (definition of aggression) of that Convention stipulated that a State which is the first to commit acts, without a declaration of war, such as an attack by its land, naval or air forces on the territory, ship or airplane of another, as well as the naval blockade of the other's coast or port, is regarded as an aggressor State in terms of international disputes according to the existing convention between disputing parties.

The fifty-eighth session of the United Nations General Assembly adopted a resolution to condemn any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders.

Paragraph 15, article II, of the Korean Armistice Agreement (KAA) stipulated as follows: "This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the water contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea".

However, the US has imposed an ever more intensive blockade on the DPRK, thus scraping off even the paragraph banning naval blockades, the last one of KAA which had been valid merely for form's sake.

As seen above, the US is now performing practical acts of aggression and war against the DPRK through extreme military threats and blackmail and blockade-style sanctions, blatantly violating universally accepted international laws.

It is a legitimate right of the DPRK to make a resolute pre-emptive attack to thoroughly frustrate the moves for imminent and full-phased aggression and war made by the US against the DPRK.

Article 51 of the Charter of the United Nations, on the right of self-defence, and article 12 of the Declaration on Rights and Duties of States clearly stipulated that every State is entitled to the inherent right of individual or collective self-defence.

The Declaration on the Strengthening of International Security, adopted on 16 December 1970, stipulated that "States must fully respect the sovereignty of other States and the right of peoples to determine their own destinies, free of external intervention, coercion or constraint, especially involving the threat or use of force, overt or covert, and restrain from any attempt aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country".

Article 40 of the Hague Convention respecting the Laws and Customs of War on Land also provided that violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

The option taken by the DPRK to defend itself from the moves of hostility and war of the US would be a great war of justice to completely remove the bases of aggression and achieve national reunification, the long-cherished desire of the Korean nation.

The DPRK was founded by the general election involving both the north and south of Korea and by the general will of the entire Korean population. Since the south Korean authorities have flatly rejected the DPRK's proposal to found a

reunified federal state leaving the ideologies and systems existing in the north and the south intact, the DPRK's great war of justice would be a fair and righteous exercise of the sovereign right of the State to reclaim the territory occupied by foreign forces, and it can never be condemned as "an act of aggression" on any account.

In case a war breaks out in the Korean peninsula, the US will be held totally accountable for it, no matter who launched a pre-emptive attack, as it has constantly escalated its hostile policy towards the DPRK and driven the situation to the outbreak of war by deploying huge amount of nuclear strategic assets and special warfare means in the Korean peninsula.

The DPRK's mode of attack, once launched, would be a precision strike to destroy only the military bases of the US and its vassal forces targeting the DPRK. The DPRK will abide by the relevant provisions of the Geneva Convention of 12 August 1949, as a signatory to it.

As already declared, the DPRK will also take all responsible measures for protecting the legal economic interests of other countries that they hold in south Korea.

The international community should clearly understand the gravity of the situation created in the Korean peninsula by the US moves for aggression and war, and respect the option taken by the DPRK to defend itself.